

CATEGORY A VIOLATIONS RELATING TO SANITARY SURVEY ELEMENTS

CATEGORY A:

Category A violations require automatic initiation of formal enforcement action when discovered.

The Areas of Concern criteria (page 23) do not apply to Category A violations.

Sanitary Survey Element	Enforcement Initiation Criteria (EIC) Version 10 References Violation Codes are available at http://www.tceq.state.tx.us/nav/cec/eic-03_1276216.pdf
Source	A5. Disposing of, shipping, receiving, treating, or transporting any solid waste, recyclable material, or a regulated substance at or to an unauthorized facility or site (B19.e(9) for exclusions) (See A12.h(6) for receiving fuel without a valid delivery certificate)
	A6. Unauthorized or noncompliant discharge, release or emission which results in a documented effect on human health or safety or a documented serious impact to the environment
	A7. Upon becoming aware of the violation, failure to immediately abate and contain a reportable spill/discharge or provide notification, as defined in 30 TAC Ch. 327
	(a)(4)(C) Systems with source water treatment violations and a 90th percentile lead concentration greater than 30 ug/l (LCR)
Treatment	A12.(d)(1) Failure to obtain approval for plans and specifications for a surface water treatment plant
	A12.(d)(2) Failure to provide minimum required surface water treatment as specified in 30 TAC §290.42
	A12.(d)(3) Failure to provide disinfection equipment to maintain the required minimum disinfection residual
	A12.(d)(7)* Failure to provide required treatment for a spring or GUI after 18 months of notification from the Commission
Distribution	A12.(d)(4) Failure to issue a boil water notice
	A12.(d)(5) Second occurrence of low pressure (<20 psi)
	A12.(d)(6) Second occurrence of an outage for the same cause when the cause was preventable by proper operation and maintenance
	(a)(4)(B) Systems with optimal corrosion control treatment installation violation and a 90th percentile lead concentration greater than 30 ug/l (LCR)
Storage	A12.(d)(15) Greater than 50% deficiency of Supply Requirements as defined in 30 TAC § 290.45 **
Pumps, pump facilities, controls	A12.(d)(15) Greater than 50% deficiency of Supply Requirements as defined in 30 TAC § 290.45 **
Monitoring, reporting, data verification	A9.a Documented falsification of data, documents or reports
	A12.(d)(10)* Failure to monitor/report the results of any regulated chemical/radiological contaminant other than lead for 2 consecutive compliance periods
	A12.(d)(11)* Failure to submit lead and copper samples for any two consecutive 6-month sample periods
	A12.(d)(12)* Failure to submit lead and copper water quality parameter results for any two consecutive 6-month sample periods
	A12.(d)(13)* Failure to conduct corrosion control study 6 months after due date
	A12.(d)(14)* Failure to conduct bacteriological monitoring for any 6 months in a 12 month period
	(a)(1)(A) 4 or more treatment technique violations in any 12 consecutive months (SWTR)
	(a)(1)(B) A combination of 6 violations including treatment technique violations and major monitoring/reporting violations in any 12 consecutive months (SWTR)
	(a)(1)(C) 10 or more combined monitoring or treatment technique violations in any 12 consecutive months (SWTR)
	(a)(2)(A) 4 or more combined monthly MCL or major repeat monitoring/reporting violations in any 12 consecutive months (TCR)
	(a)(2)(B) 6 or more combined MCL or major repeat or major routine monitoring/reporting violations in any 12 consecutive months (TCR)
	(a)(2)(C) 10 or more combined MCL or monitoring/reporting violations (major or minor) in any 12 consecutive months (TCR)
	(a)(2)(D) One acute MCL and any other coliform MCL or repeat monitoring violations in any 12 consecutive months (TCR)
	(a)(3)(D) Two or more major monitoring violations consecutively if the monitoring period is less than annual (nitrates) (MonChem)
	(a)(3)(E) One major monitoring violation if the monitoring period is annual or greater
	(a)(4)(A) For initial monitoring, a system that does not correct a (LCR) violation within: (a)(4)(A)(i) 3 months for large systems; (a)(4)(A)(ii) 6 months for medium systems; or (a)(4)(A)(iii) 12 months for small systems.
	(a)(4)(D) Systems with public education violations and a 90th percentile lead concentration greater than 30 ug/l (LCR)
Management and operation	A11. Complete failure to provide required financial assurance mechanism or possessing a financial assurance mechanism with gross deficiencies
	A12.(d)(15) Greater than 50% deficiency of Supply Requirements as defined in 30 TAC § 290.45 **
	A12.(d)(16) Failure to provide immediate, written notification to the Commission of system reactivation--as defined in 30 TAC § 290.38

Operator Compliance	A3. Individual performing a regulated activity without a required license, certification, or other authorization, excluding a Designated Representative (DR) in the OSSF program [see Category B19.i(2)] (see B8 for the a facility/operation applicability)
Other	(a)(5) Violation of a state formal enforcement action
	A8. HPV, SNC or SV violations for which TCEQ has agreed with EPA to take formal enforcement action upon discovery of the violation (see Attachment A, pages 11-15, for specific criteria)
	A9.b Denying TCEQ staff right of entry to a TCEQ-regulated entity for investigative purposes, in violation of TEX. WATER CODE § 26.014 or TEX. HEALTH & SAFETY CODE §§ 361.032 or 382.015. Consult with the Litigation Division Director for legal assistance.
	A10. Violation(s) not otherwise listed in Category A in which exposure of contaminants to the air, water or land (a) is affecting or has affected human health and safety or is causing or has caused a serious impact to the environment, or (b) will affect human health and safety or will cause a serious impact to the environment unless immediate actions are taken
	A12.(d)(8)* Violation of any primary chemical MCL
	A12.(d)(9)* Exceeding the short term acceptable risk level for a given chemical/radiological contaminant other than lead (Phase 2 and 5)
	(a)(3)(A) Exceeding the unreasonable risk to health level for a given contaminant (15 mg/l for nitrates) (MonChem)
	(a)(3)(B) Exceeding the 10-4 risk level for carcinogens (MonChem)
	(a)(3)(C) Exceeding the MCL but not the unreasonable risk to health level for a period of greater than 7 years (MonChem)

* NOTE: An asterisk (*) indicates the determination will be made exclusively or primarily by the central office program. Items without an asterisk are screening criteria primarily used by regional offices or criteria used by both regional and central office program staff.

** Listed in more than one category